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08/274,942 07/14/94 HASMANN

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EXAMINER

VARBOT, M

ART UNIT

PAPER NUMBER

3

DOM1/1004

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1307

DATE MAILED:

10/04/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-62 are pending in the application.

Of the above, claims 62 ~~are~~ withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-21, 23, 24, 27-55, 57, 60 + 61 are rejected.

5. ☒ Claims 22, 25, 26, 56, 58 + 59 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 1307

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-4, 8-40, 42-61 and 63-81 are rejected under 35 U.S.C. § 103 as being unpatentable over Clark generally for reasons of record noting the following. A monomeric material is one that is "crosslinkable" and that is "in a state in which it is at least partially uncrosslinked" when introduced into the mold as set forth in the instant claims. In the process of Clark et al, it is submitted that the edge contour of the molding is determined substantially by the energy impingement; to produce the molding in Clark et al with no burr or flash would have been obvious if desiring to do so. Note column 7, lines 46-55, wherein it is taught that polymerization of the material in the reservoir is merely a preferred embodiment, to facilitate further handling. One of ordinary skill, not requiring same, would have

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found polymerizing only the lens portion in Clark et al to have been totally obvious dependent on need.

2. Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Clark et al in view of European Patent Application 484,015 for reasons of record as set forth in paragraph 7 of the first action.

3. Applicant's arguments with respect to the claims have been considered but are deemed to be moot in view of the new grounds of rejection.

The amendments have resulted in the removal of the 102 rejection, but the issues remain essentially the same. Concerning applicant's arguments, 1) the polymerization of monomers used to make lenses is typically referred to as "crosslinking" (the allyl diglycol carbonate of Clark et al is a thermoset that crosslinks); and 2) the diaphragm of Clark et al does indeed restrict the radiation, noting that the reservoir material is polymerized in a separate step (see column 7, lines 46-55).

Further, it is reiterated that the formation of a flashless lens from the process of Clark et al would have been entirely obvious to one of ordinary skill in the art. It is not such a remarkable result that applicant's process can accomplish this since formation of the flash in Clarke et al is clearly a preferred embodiment, and not a requirement.

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4. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is (703) 308-2621.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

M. Vargot

April 15, 1996

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300
4/15/96